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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **MAC.APP. 470/2019, CM APPL. 18040/2019**

PRAKASH

.....Appellant

Through: Dr. Ashwani Bhardwaj, Advocate.

versus

SARVESH DEVI & ORS

.....Respondents

Through: Mr. S.N. Parashar, Advocate for R-4.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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07.11.2024

1. An Appeal under Section 173 of the Motor Vehicle Act, 1988 has been filed on behalf of the *Appellant/Registered Owner* against the Judgement/Award dated 22.01.2009, whereby the Compensation in the sum of Rs.2,17,000/- along with interest @ 9% per annum, has been awarded to the Claimant/Injured, Ms. Sarvesh Devi (Respondent No.4 in Claim Petition bearing MAC No.2079/16).
2. In the Appeal, the assessment of compensation in favor of Respondent No. 4, has not been challenged. It is submitted that the Appellant and Respondent No.4 have arrived at some Settlement and the payments are being made to the Claimant, with the next installment due to be made on 02.12.2024 in the Execution Petition.
3. The *only grievance* of the *Appellant/Registered Owner* is that he had sold the Offending Vehicle to one Mr. Rajpal and Mr. Bijender, who were impleaded as Respondent No.1 and 3 in the *Petition MAC No.2079/16*. Shri Rajpal and Bijender appeared in the Court and filed their Written Statement,



wherein they had admitted that they had purchased the Offending Vehicle but took the defense that they had sold it to one junk dealer, *Braham Dutt/Respondent No.2 in the MAC Petition* much prior to the accident, who had been using the vehicle.

4. The learned Tribunal had noted these averments in the Impugned Award dated 22.01.2019 in **Paragraph 17** and considering that no documents whatsoever, about these alleged sales by one actual purchaser to another one were forthcoming, it was observed as under :

*“**Liability:** Respondent No. 1 is the registered owner of the offending vehicle and is liable to pay this compensation. Though other respondents have also been impleaded being subsequent owners of the same vehicle, yet no document regarding subsequent transfer of vehicle in their favour has been proved on record. As per the ownership verification of the offending vehicle, vehicle is still registered in the name of respondent No. 1, due to he is liable to pay this compensation. However, he may recover this compensation from subsequent purchasers as per rules, in case he sold out this vehicle to them subsequently.”*

5. Admittedly, neither the Appellant nor any of the Respondents have given the date or the documents of alleged Sales. Therefore, the observations of the learned Tribunal that the Appellant may seek recovery on proving the requisite documents, does not suffer from any infirmity.

6. There is no merit in the Appeal, which is hereby dismissed.

7. The Appeal is accordingly disposed of along with the pending Application(s), if any.

NEENA BANSAL KRISHNA, J

NOVEMBER 7, 2024/va